

## Message Text

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PAGE 01 CIUDAD 00055 172308Z

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ACTION SCSE-00

INFO OCT-01 ARA-10 ISO-00 SCA-01 L-02 H-02 /016 W

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R 172100Z APR 75

FM AMCONSUL CIUDAD JUAREZ

TO SECSTATE WASHDC 417

INFO AMEMBASSY MEXICO

AMCONSUL MATAMOROS

AMCONSUL GUADALAJARA

AMCONSUL HERMOSILLO

AMCONSUL MAZATLAN

AMCONSUL MERIDA

AMCONSUL MONTERREY

AMCONSUL NUEVO LAREDO

AMCONSUL TIJUANA

UNCLAS CIUDAD JUAREZ 0055

E.O. 11652: N/A

TAGS: CASC, MX

SUBJECT: OFFICIAL REPRESENTATIONS RE AMCIT PRISONERS

REF: STATE 080101

1. PROCEDURES SET FORTH IN REFTEL ACCORD GENERALLY WITH THOSE FOLLOWED BY THIS POST, WITH EXCEPTIONS INDICATED FOLLOWING PARAGRAPHS KEYED TO REFTEL.

1.(B) CONSULAR CONVENTION DOES NOT REQUIRE MEXICAN AUTHORITIES TO NOTIFY CONSULAR OFFICER WITHIN THREE DAYS OF ARREST; IF, HOWEVER, U.S. CITIZEN WERE ARRESTED AND NOT PERMITTED TO COMMUNICATE WITH CONSULAR OFFICER, IN VIOLATION OF ARTICLE VI, PARAGRAPH 3, OF CONVENTION, PROTEST WOULD BE MADE TO APPROPRIATE LOCAL MEXICAN AUTHORITIES.

1.(C) ALTHOUGH FOREIGN OFFICE HAS INSTRUCTED COMPETENT MEXICAN AUTHORITIES TO NOTIFY AMERICAN CONSULAR OFFICERS IMMEDIATELY OF DETENTION AND ARREST OF AMERICAN CITIZENS

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 CIUDAD 00055 172308Z

(SEE MONTERREY'S 0253, PARAGRAPH B.1), AND WE HAVE

CONSISTENTLY REQUESTED LOCAL AUTHORITIES TO DO SO, THEY SELDOM BRING ARRESTS TO OUR ATTENTION UNLESS REQUESTED BY ARRESTEES. WE USUALLY LEARN OF ARRESTS OF AMERICAN CITIZENS THROUGH NEWSPAPER REPORTS OR PRISON VISITS, WHEN WE OCCASIONALLY ENCOUNTER AN AMERICAN CITIZEN WHO HAS BEEN INCARCERATED FOR SEVERAL MONTHS WITHOUT OUR KNOWLEDGE. INVESTIGATIONS INTO CASES OF THIS NATURE USUALLY REVEAL THAT (1) DETAINEE HAS A MEXICAN SURNAME AND IS CONSIDERED TO BE A MEXICAN CITIZEN BY THE AUTHORITIES; (2) HAS CLAIMED MEXICAN CITIZENSHIP, HOPING TO OBTAIN PREFERENTIAL TREATMENT OR RELEASE ON BOND; OR (3) HAS BEEN INFORMED BY FELLOW PRISONERS THAT THE CONSULATE IS UNABLE TO HELP HIM AND HAD DECIDED NOT TO NOTIFY US OF HIS INCARCERATION. UNLESS THE DETAINEE INFORMS US THAT HE HAS BEEN DENIED ACCESS TO A CONSULAR OFFICER, WE DO NOT PROTEST CASES OF THIS NATURE.

1.(E) IN VIEW OF INFREQUENCY OF INCIDENTS AND RELATIVELY SMALL NUMBER OF PRISONERS IN OUR CONSULAR DISTRICT, WE DO NOT FEEL THE NECESSITY OF MAINTAINING A SEPARATE CHRONOLOGICAL FILE ON EACH INCIDENT.

1.(F) WE HAVE HAD NO CASES OF ALLEGED TORTURE OR ABUSE WHICH COULD BE SUBSTANTIATED. IN CASES WHERE DETAINEES CLAIM PRISON OFFICIALS NOT PROVIDING ADEQUATE MEDICAL OR DENTAL CARE, WE MAKE ARRANGEMENTS THROUGH PRISON DIRECTOR FOR OUTSIDE DOCTORS AND DENTISTS TO SEE DETAINEES.

2. ALTHOUGH MANY DETAINEES CLAIM PAYMENT OF EXORBITANT LEGAL FEES, WE HAVE NOT BEEN PRESENTED WITH EVIDENCE OF EXORBITANT CHARGES OR BEEN REQUESTED BY DETAINEE TO INVESTIGATE. MANY DETAINEES CLAIM ATTORNEYS HAVE PROMISED RELEASE UPON PAYMENT OF A CERTAIN FEE. WHEN THIS FAILS MATERIALIZE, ATTORNEYS ASKS FOR MORE MONEY, PROMISING RELEASE THROUGH APPEAL OR OTHER TACTICS, KNOWING SITUATION HOPELESS. DETAINEE USUALLY ENDS UP WITH ANOTHER ATTORNEY OR, AS IN MOST CASES, WITHOUT ANY REPRESENTATION AT ALL. AS NOTED IN MATAMOROS' 0013, PARA 2, UNLESS DETAINEES CAN PRESENT EVIDENCE TO SUPPORT CHARGES PROTESTS ARE INEFFECTIVE. SHAPIRO

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